

Remarks:

Applicant has read and considered the Office Action dated December 19, 2008 and the references cited therein. Claims 1, 2, 5, 6 and 8 have been amended. Claim 10 has been cancelled without prejudice or disclaimer. Claims 1-9 are currently pending. Reconsideration is hereby requested.

The drawings were objected to under 37 C.F.R. § 1.83(a). The Action indicated that the foaming device recited in claim 10 must be shown or the feature cancelled from the claims. Applicant asserts that the drawings and specification do show a foaming device. However, solely in order to advance the application, claim 10 has been cancelled without prejudice or disclaimer. Applicant asserts that the objection to the drawings has been overcome and requests that it be withdrawn.

Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Action indicated that the reference to "hot drink" or "hot drinks" is recited, but there is no means or structure to heat a drink material. It was also stated that it was unclear where the accessory fluid comes from to supply the accessory pipelines and there is no accessory fluid source. Claim 1 has been amended to delete the reference to "hot" drinks. In addition, the claim has been amended to indicate that the accessory pipelines supply and carry away accessory fluid from an accessory fluid supply. The Action also indicated that it was unclear how the valve means for "stopping and opening" the drink pipelines are stopped. Claim 1 has been amended to clarify that the valve means are for opening and closing rather than stopping the pipelines. Applicant asserts that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome and requests that the rejection be withdrawn.

Claims 1-10 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Action states that there is no support in the specification for a valve means which "is adapted to connect said accessory pipelines to the valve means instead of the drink pipelines" as it is clear that valve means allow for connection of the accessory pipelines thereto. The Action states that it appears that both are connected simultaneously. Claim 1 has been amended to recite that the valve means are adapted to open the accessory pipelines to the valve means. Applicant asserts that the claim is fully supported by the specification and corrects the inconsistency. Applicant asserts that the rejection under 35 U.S.C. § 112, first paragraph, has been overcome and requests that the rejection be withdrawn.

Claims 1, 6, 7 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by the British Patent to Hogerhuis. Applicant notes that claim 1 has been amended and provides clarification. Moreover, claim 1 patentably distinguishes over the Hogerhuis reference. The Action stated that Hogerhuis discloses a dispensing device comprising supply means adapted to supply at least two drinks, filling outlets adapted to dispense a drink into a cup, drink pipelines connecting the supply means to the filling outlets, accessory pipelines for supplying and carrying away an accessory fluid, and valve means for opening and closing the drink pipelines between the supply means and filling outlets and adapted to connect the accessory pipelines to the valve means in order to treat the valve means.

Claim 1 now recites a dispensing device including supply means adapted to supply at least two different drinks, filling outlets adapted to dispense a hot drink into at least one container and drink pipelines connecting the supply means to the filling outlets. Claim 1 further recites accessory pipelines for supplying and carrying away an accessory fluid from an accessory fluid supply in the form of at least one of flushing agents for cleaning, hot water or steam for prewarming or other similar fluid. Finally, claim 1 recites valve means for closing and opening said drink pipelines between the supply means and the filling outlets and adapted to open said accessory pipelines to the valve means instead of the drink pipelines to treat the valve means in

the regions through which the drinks flow. Applicant asserts that this is neither shown nor suggested by the Hogerhuis reference or any other prior art. Applicant asserts that Hogerhuis does not teach accessory pipelines that carry a fluid which is either a flushing agent for cleaning or hot water or steam for prewarming. The Action only contends that Hogerhuis discloses an accessory fluid, stated to be hot water in the Office Action. However, Applicant asserts that Hogerhuis does not teach or suggest flushing agents for cleaning or hot water steam for **prewarming**. The dispensing device of claim 1 provides advantages that are neither shown nor suggested by Hogerhuis and allow for a greater range of drinks and for prewarming the drinks that is not possible with the Hogerhuis reference.

Moreover, Applicant asserts that Hogerhuis does not teach or suggest valve means that are adapted to open the accessory pipelines instead of the drink pipelines to treat the valve means in the regions through which the drinks flow. Claim 1 now recites that the valve means open the accessory pipelines to the valve means instead of the drink pipelines. Applicant asserts that the Office Action does not contend that this is shown by the cited prior art. Applicant asserts that when properly construing claim 1 as now amended, the prior art fails to teach or anticipate or render obvious the dispensing device of claim 1. Applicant asserts that claim 1 patentably distinguishes over the prior art and requests that the rejection under 35 U.S.C. § 102(b) be withdrawn.

Claim 6 recites that the filling outlets each define at least two flow channels that are separated in such a way that the drinks flowing through the separated flow channels are not mixed until after they have left the filling outlets. Applicant asserts that claim 6 was not addressed in the Office Action. Applicant asserts that claim 6 depends from amended claim 1, which is believed to be allowable for at least the reasons discussed above. Moreover, Applicant asserts that Hogerhuis does not teach or suggest the filling outlets each defining at least two flow channels that are separated in such a way that drinks flowing through the separated flow

channels are not mixed until after they have left the filling outlets. Applicant therefore asserts that claim 6 is also allowable for these reasons as well as others.

Claim 9 further recites a control means are provided and constructed so that after a drink filling process is completed, a rinsing process is carried out. Applicant asserts that this limitation was not addressed in the Office Action and that claim 9 depends from amended claim 1, which is believed to be allowable as discussed above. Moreover, Applicant asserts that claim 9 is allowable for further advantages regarding controlling the dispensing device so that rinsing can be carried out. Applicant asserts that this is neither shown nor suggested by Hogerhuis or any other prior art. Applicant therefore requests that the rejection of claim 9 be withdrawn.

Claims 2-5, 8 and 10 were indicated as being allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, and to include all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the indication of allowable subject matter. Claim 2 has been rewritten in independent form and the rejections under 35 U.S.C. § 112 have been overcome. Claims 3-7 all depend from claim 2. In addition, claim 8 has been rewritten in independent form and to overcome the rejections under 35 U.S.C. § 112 so that claim 8 is therefore believed to be allowable. Applicants assert that claims 2-8 are allowable for at least the reasons indicated in the Office Action as well as others.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

3/19/09

By: _____

Gregory A. Sebald
Reg. No. 33,280
GAS/km